

UNAPPROVED DRAFT
BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE "C"

TIME AND PLACE: Special Conference Committee "C" convened on March 28, 2008, at 10:12 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

APPROVAL OF MINUTES: Dr. Watkins moved to approve the minutes of the Special Conference Committee "C" meeting held on February 1, 2008. The motion was seconded and passed.

FIRST CONFERENCE:

PRESIDING: James Watkins, D.D.S.
MEMBERS PRESENT: Jeffrey Levin, D.D.S.

MEMBERS ABSENT: Glenn Young, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director, Virginia Board of Dentistry
Gail W. Ross, Adjudication Specialist, Department of Health Professions

QUORUM: A quorum was established in that two Committee members were present.

Sandra Smith, D.D.S.
Case No. 106764 Sandra Smith, D.D.S. appeared with her office manager Kimberly Lynch to discuss allegations that she may have violated laws and regulations governing the practice of dentistry, in that,

1. She fraudulently billed patient A and collected payment from his insurance company for a crown intended for tooth #30 that was not delivered.
2. She submitted to the Department of Health Professions' investigator a copy of an invoice from a dental lab that indicated she ordered a porcelain crown to non-precious metals, yet she billed patient A and the insurance company for a porcelain crown to noble metal misrepresenting the materials she intended to use.
3. She failed to retain a duplicate of the laboratory work order for Patient A's crown.

The Committee received statements from Dr. Smith and discussed the evidence in the case with her.

The Committee received statements from Ms. Lynch.

Virginia Board of Dentistry

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Sandra Smith, DDS. Additionally, Dr. Levin moved that Board staff, Alan Heaberlin and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Case No. 106764

Ms. Ross read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Smith holds a current Virginia dental license
2. Dr. Smith violated § 54.1-2706(4) of the Code, in that she billed Patient A and collected payment from his insurance company for a crown intended for tooth #30 that was not delivered.
3. Dr. Smith violated § 54.1-2706(4) and (9) of the Code and 18 VAC 60-20-170(3) of the Regulations, in that she submitted to the Department of Health Professions' investigator a copy of an invoice from a dental lab that indicated she ordered a porcelain crown to non-precious metals, yet she billed Patient A and the insurance company for porcelain crown to noble metal misrepresenting the materials she intended to use.
4. Dr. Smith violated §§ 54.1-2706(9) and 54.1-2719.B of the Code and 18 VAC 60-20-15(8) of the Regulations, in that she failed to retain a duplicate of the laboratory work order for Patient A's crown.

The sanctions reported by Ms. Ross were that Dr. Smith be assessed a monetary penalty of \$1,000 and 4 hours of continuing education in risk management.

Dr. Levin moved to adopt the Findings of Fact, Conclusions of Law and Sanctions imposed. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Smith unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Smith. If service of the Order is

Virginia Board of Dentistry

made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.

SECOND CONFERENCE:

PRESIDING: James Watkins, D.D.S.

MEMBERS PRESENT: Jeffrey Levin, DDS

MEMBERS ABSENT: Glenn Young, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director, Virginia Board of Dentistry
Gail W. Ross, Adjudication Specialist, Department of Health Professions

QUORUM: A quorum was established in that two Committee members were present.

David Kiger, D.D.S.
Case No.: 103788 Dr. Kiger appeared without counsel to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that,

1. He allowed a dental assistant working in his practice to operate a Cavitron to remove stains on the teeth of Patient A and Patient B a service which a dentist may perform or may only delegate to dental hygienists.

2. On or about March 3, 2007, he billed Patient B for maxillary and mandibular reconstructions, yet treatment notes failed to include any documentation that he rendered treatment on that date.

3 In or about February 2006 and February 2007, he failed to note in Patient B's record that x-rays were taken.

4a. In or about May 2006, he failed to document the patient record to include a list of drugs prescribed, administered, or dispensed and the quantity when he performed restorative work on Patient A's tooth #25.

4b. In or about August, 2004, he failed to document the patient record to include a list of drugs prescribed, administered, or dispensed and the quantity when he seated a crown on Patient B's tooth #30. In addition, in or about January and February 2007, he failed to note the amount of anesthetic administered to Patient B in preparation for bonding crowns.

4c. In or about May 2006, he failed to document the patient record to include the amount of anesthetic administered when he performed restorative work on Patient C's teeth #2, 18, and 19.

5. In or about January 2006, and January 2007 to March 2007, he

Virginia Board of Dentistry

failed to include his address on laboratory work orders for Patient B.

The Committee received statement from Dr. Kiger and discussed the case with him.

Closed Meeting:

Dr. Levin moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of David Kiger, D.D.S. Additionally, Dr. Levin moved that Board staff, Alan Heaberlin and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Levin moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Ms. Ross read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Kiger holds a current Virginia dental license.
2. Dr. Kiger violated § 54.1-2706(5), (9), and (11) of the Code and 18 VAC 60-20-170(5) and 18 VAC 60-20-230.A of the Regulations, in that, on or about December 29, 2004, and May 14, 2005, he allowed a dental assistant working in his practice to operate a Cavitron to remove stains on the teeth of Patient A and Patient B a service which a dentist may perform or may only delegate to dental hygienists.
3. Dr. Kiger violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(3) and 18 VAC 60-20-170(1) of the Regulations, in that, on or about March 3, 2007, he billed Patient B for maxillary and mandibular reconstructions, yet treatment notes failed to include any documentation that he rendered treatment on that date.
4. Dr. Kiger violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(3) of the Regulations, in that, in or about February 2006 and February 2007, he failed to note in Patient B's record that x-rays were taken.
5. Dr. Kiger violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(4) of the Regulations, in that: In or about May 2006, he failed to document the patient record to include the amount of anesthetic administered when he performed restorative work on Patient C's teeth #2, 18, and 19.

Virginia Board of Dentistry

6. Dr. Kiger violated §§ 54.1-2706(9) and 54.1-2719.B of the Code and 18 VAC 60-20-15(8) of the Regulations, in that, in or about January 2006, and January 2007 to March 2007, he failed to include his address on laboratory work orders for Patient B.

The sanctions reported by Ms. Ross were that Dr. Kiger be assessed a monetary penalty of \$2,000 and 7 hours of continuing education in risk management and recordkeeping and that he successfully pass the Board's dental law examination.

Dr. Levin moved to adopt the Findings of Fact, Conclusions of Law and Sanctions imposed. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Kiger unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Kiger. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 11:35 a.m.

Dr. James Watkins, Chair

Sandra K. Reen, Executive Director

Date

Date